

## **HAMPTON PLANNING BOARD – MINUTES**

### **January 7, 2004**

**PRESENT:** Thomas Gillick, Chairman  
Robert Viviano, Vice Chairman  
Tracy Emerick, Clerk  
Robert Bilodeau, Alternate  
Jack Lessard  
Tom Higgins  
Cliff Pratt, Selectman's Alternate  
Jennifer Kimball, Town Planner  
Mark Fougere, Interim Town Planner

**ABSENT:** Keith Lessard  
Skip Sullivan, Selectman Member

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. Viviano to lead the Pledge of Allegiance.

#### **II. OLD BUSINESS:**

1. Vertical Building & Development Company, LLC  
Site Plan Review for 42 Unit Condominium with 2 retail stores at  
Ocean Boulevard, J & K Streets  
Map 293, Lot 008; Map 290, Lots 144, 145, & 146  
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;  
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.  
*Jurisdiction Accepted July 30, 2003, extended by applicant*

Mr. Gillick read a letter from Attorney Peter Saari dated December 23, 2003 stating the applicant is requesting to continue the Vertical Building & Development Company, LLC Site Plan Review Application. Mr. J. Lessard **MOTIONED** to continue the Vertical Building & Development Company, LLC Site Plan Review for 42 Unit Condominium with 2 retail stores at Ocean Boulevard, J & K Streets, Map 293, Lot 008; Map 290, Lots 144, 145, & 146 Application to February 18, 2004. Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

#### **I. NEW PUBLIC HEARINGS:**

1. Lincolnshire Realty, Ltd  
Special Permit to construct a 12' access driveway at  
363 Exeter Road  
Map 51, Lot 3  
Owner of Record: Lincolnshire Realty, Ltd. (Nassau, Bahamas)

Mr. Fougere gave a brief review of the application noting this Special Permit was noticed with a legal advertisement to the newspaper and the abutters re-notified as well. The plans have been sent out for departmental review and comments are due back to the Planning office by January 9, 2004 with recommendation to continue this application to a later date. Additionally, the Conservation Commission has written a letter regarding the project and that will be discussed when the applicant comes before the Board in the future. Mr. J. Lessard **MOTIONED** to postpone the referenced application to the January 21, 2004 Planning Board meeting. Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Charlotte W. Bauer  
Special Permit to add addition to rear of cottage at  
162 Kings Highway  
Map 183, Lot 1  
Owner of Record: Charlotte W. Bauer

Mr. William Bauer introduced himself as representing the applicant. Mrs. Charlotte Bauer was present as well. Mr. Bauer proceeded to explain the application as proposing a 4'X 8' addition to the back of the cottage to enlarge a bathroom area making it handicap accessible, ability to change and step out of the shower. Mr. Bauer explained currently one would have to step out into the hall and change in another room. Mr. Fougere referenced the Conservation Commission memo dated December 30, 2003 stating no opposition to the granting of the Special Permit with conditions of proper sediment and erosion control in place during construction, and Conservation Commission to be notified at the start and finish of the project.

**OPEN PUBLIC HEARING: NO COMMENT.  
CLOSE PUBLIC HEARING.**

Mr. Gillick asks for Board comments, hearing none, Mr. J. Lessard **MOTIONED** to approve the referenced application of plan #1779A, dated July 21, 2003, subject to:

- 1) Proper sediment and erosion control in place during construction, and
- 2) Conservation Commission to be notified at the start and finish of the project.

Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Rosemarie R. Pitman Revocable Trust (Michael & Lynne Robinson)  
Lot Line Adjustment at  
2 & 4 Dover Avenue  
Map 296, lot 148 & 149  
Waiver requested: Subdivision Regulations V.E (detailed plan)  
Owner of Record: Rosemarie R. Pitman Revocable Trust

Mr. Higgins steps down for this application.

Attorney Peter Saari, of Casassa & Ryan introduced himself as representing the applicant. Attorney Saari proceeded to explain the application as making a smaller lot larger and a larger lot smaller. Attorney Saari stated the applicant has been before the Zoning Board for approval. Mr. Fougere referenced his staff report for suggestions the Board may want to consider.

**OPEN PUBLIC HEARING: NO COMMENT.  
CLOSE PUBLIC HEARING.**

Mr. Gillick asks for Board comments, hearing none, Mr. Emerick **MOTIONED** to grant the Waiver requested: Subdivision Regulations V.E (detailed plan). Mr. J. Lessard **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to accept jurisdiction of and approve the Rosemarie R. Pitman Revocable Trust (Michael & Lynne Robinson) Lot Line Adjustment Application at 2 & 4 Dover Avenue, Map 296, lot 148 & 149 of plan #3-30-2326, dated 8/14/03, subject to:

- 1) Submittal of final plans noting all bounds set, mylar, and recording fees will be required.

Mr. Emerick **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Higgins returns to the Board.

4. Shawn Pelletier  
Special Permit to install 4 piers (support columns) off the end of an existing dwelling at  
7 Pearl Street  
Map 233, Lot 50  
Owner of Record: Shawn Pelletier

Attorney Peter Saari, of Casassa & Ryan introduced himself as representing the applicant. Mr. Shawn Pelletier was present as well. Attorney Saari proceeded to explain the application to construct on the second floor, in the back of the existing home using 4 piers (pilings). Mr. Pelletier stated he may need to use more pilings to carry the weight and asked to propose a first floor addition as well. The existing building is 24' X 30' and the proposed building would be 26' X 44'. Attorney Saari clarified a variance was not needed and the applicant has appeared before the Conservation Commission. Mrs. Kimball asked the applicant to provide a side view in addition to the site plan being reviewed. Mr. Gillick asked if the Conservation Commission has seen the new information regarding the first floor proposal. Mrs. Kimball stated her concern was the first floor proposal information is substantially different than what the Conservation Commission reviewed. Mr. Fougere suggested the Board can only act on what is presented and if the applicant wants to change the proposal he must go back to the Conservation Commission. Mr. Gillick suggests the Board focus on the original proposal. Mr. Gillick asks for Board comments, hearing none, Mr. J. Lessard **MOTIONED** to continue the Special Permit Application to install 4 piers (support columns) off the end of an existing dwelling at 7 Pearl Street, Map 233, Lot 50 to the February 4, 2004 Planning Board meeting. Suggesting that the applicant submit additional information to the Conservation Commission clarifying the proposal. Additionally, the applicant was asked to provide project plans to the Planning Board (including elevations) that clearly outline the proposal. Mr. Bilodeau **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Steve Cotran  
Condominium Conversion at  
8-14 Keefe Avenue  
Map 290, Lot 71  
Owner of Record: Steve Cotran

Mr. Henry Boyd, Jr. of Parker Survey & Engineering introduced himself as representing the applicant. Mr. Steve Cotran was introduced as well. Mr. Boyd proceeded to explain that a Waiver Request (detailed plan) was omitted and he submitted a check to cover the notification of abutters regarding that Waiver. Mr. Fougere discussed a staff report regarding the existing 5 unit, seasonal rental structure and proposed to convert to condominiums. Mr. Fougere referenced Ms. Linda Gallagher's letter (an abutter) that was distributed to the Board members. Mr. Fougere continued that this is preexisting, non-conforming, no additional units to be added, no changes to the exterior or interior, the units of 266-474 sq. ft. require it to stay seasonal (500 sq. ft is required by zoning ordinance). Mr. Fougere suggested to move this application to a future date and offered recommendations to revise the plan: 1) note added that the units shall remain seasonal and cannot be occupied on a year round basis; 2) in addition, this restriction shall be noted in the properties Condominium Documents; 3) note the street address is 8-14 Keefe Avenue (not Street); 4) note the parking spaces in front of these units be noted as parking (currently the spaces that exist do not meet the Regulation size) and not designated.

Mrs. Kimball noted that the parking spaces do not meet the required definition and there may not be the numbers shown. The area can be called parking area, not parking spaces. Mr. Gillick stated parking issues were one of Mrs. Gallagher's concerns in her letter to the Board (Mrs. Gallagher lives at 9 Keefe Avenue). Mr. Gillick asked for Board discussion. Mr. Higgins concern was the parking and stated he was at the property and could not fit his vehicle in any spot.

**OPEN PUBLIC HEARING: NO COMMENT.**  
**CONTINUE PUBLIC HEARING.**

Mr. Gillick asks for Board comments. Mr. Higgins is concerned with the depth of the parking spaces. Mr. Fougere explained the spot is 18' deep to Keefe Avenue (where the easement starts). Mrs. Kimball confirmed unit #1 has a discrepancy where the easement is & where the edge of pavement is by 1-2'. Mr. Boyd and Mrs. Kimball agree Keefe Avenue is not centered within the right of way easement. There was Board consensus that 5 Condominium units should have one assigned space for each unit (shown on the plan and reflected in the Condominium documents). Mr. J. Lessard **MOTIONED** to continue the Condominium Conversion at 8-14 Keefe Avenue, Map 290, Lot 71 to the January 21, 2004 Planning Board meeting. Additionally, the Board recommended that the plan show five (5) conforming, designated parking spaces (one to be assigned for each unit). Any other parking shown on the plan should be designated as "parking area." The assigned parking is to be referenced in the condominium documents. Mr. Bilodeau **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

6. Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless  
Site Plan Review to construct a wireless telecommunications facility at  
77 Tide Mill Road  
Map 241, Lot 8  
Owner of Record: Saint James Building Association

Mr. Emerick steps down for this application.

Attorney John Springer of Shaines & McEachern Law Firm in Portsmouth introduced himself as representing the applicant, Mr. Bill McQuade, also present. Attorney Springer proceeded to explain the application regarding construction of a wireless facility at Tide Mill Road; proposed is a service facility on the corner of the lot where the Masonic Lodge is located; Tower Venture has leased a 100' X 100' parcel on the St. James property; there will be a fence of approximately 75' X 75' within that parcel; fence posts will be 6' high; access of gravel or crushed stone drive from Tide Mill coming in to the compound; the compound itself will have a surface of gravel or crushed stone type material; the only utilities needed are telephone and electric; the facility consists of a 150' high mono pole tower (not a lattice tower); the tower will be designed to hold up to five licensed carriers; right now three licensed carriers have agreements; the antenna array is triangular; no lights; no signs other than FCC regulated identifiers; existing tree cover is sufficient where as no additional landscaping is proposed at this time; traffic would be 1-2 trips per month, per carrier; variance from ZBA is granted for height use and set back; galvanized steel finish as per Site Plan Regulations; agree to maintain to degrees with FAA and FCC; radio frequency information has been submitted; no culverts proposed which applicant submits a written request for a Waiver: Subdivision Regulations Section V.E.8 (storm water drainage) at this time. Mr. Fougere referred to his staff report dated January 7, 2004, and suggested additional evergreens would provide a year round screen versus the existing trees line; a co-location agreement has been submitted for the three companies; a bond should be established based on abandonment/demolition stipulations; wetlands stamp will be required on the plans. Mr. Higgins asked for an annual frequency report to be established. Mr. Gillick suggested, as guidelines, to dictate verbiage and needs from other previous wireless requests.

#### **OPEN PUBLIC HEARING:**

Mr. Norman Silberdick of 70 Tide Mill Road introduced himself. His concerns (as stated in his letter on record) are that there is no basis for a cell tower in this residential neighborhood. The Mason Lodge Charter has nothing to do with renting property. Mr. Silberdick's suggestion is for the Board to defer this until the Town meeting Warrant Article being submitted by the Board of Selectman to negotiate a cell tower on Town property.

Ms. Ann Carnaby of 54 Tide Mill Road introduced herself. She echo's Mr. Silberdick's concerns. Additionally, Ms. Carnaby has sought a petition for an appeal to the Zoning Board of 31 signatures.

#### **SUSPEND PUBLIC HEARING.**

Mr. Gillick asks for Board comments. Mr. Fougere suggested to move this application to a future date and recommended the waiver noticed be heard at that time. Mrs. Kimball suggested departmental reviews (Fire, DPW, Police, and Conservation Commission). Board consensus was that estimate for dismantling costs and a bond should be established; drainage would not be an issue; copy of a redacted lease; driveway permit necessary; soil scientist seal on the plan; zoning line on plan to be defined; fees for legal and waiver request notification. Mr. McQuade submitted a Soil Scientist statement at this time for the record. Mr. Gillick asked if there is fuel stored for standby generator. Mr. McQuade stated no proposed generator at this time, there maybe a portable should there be a substantial outage. Mr. Pratt **MOTIONED** to *send out for Departmental Review, and* continue the Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless Site Plan Review Application to construct a wireless telecommunications facility at 77 Tide Mill Road, Map 241, Lot 8 to the February 18, 2004 Planning Board meeting. Mr. J. Lessard **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Fougere stated, in order to comply with the Board's notification and meeting requirements, the applicant must submit fees, updated abutter information, and any other items as required in the Town Site Plan Regulations by the regulation deadline of January 30, 2004, 5:00 p.m. in order to be heard for the February 18, 2004 Planning Board meeting. Failure to provide the necessary information for review in a timely manner will result in changing the hearing appointment date.

Mr. Emerick returns to the Board.

### III. ATTENDING TO BE HEARD:

1. Teresa Perzanoski  
Use Change from office expanding Hair Salon at  
387 Lafayette Road  
Map 160, Lot 34  
Owner of Record: John Raleigh

Ms. Teresa Perzanoski and Ms. Robin Modica from Mane Tamers Hair Salon introduced themselves. Ms. Perzanoski stated the application is to request a change of use to expand the existing Hair Salon and use the upstairs office. Mr. Emerick **MOTIONED** to grant the Use Change Application from office expanding Hair Salon at 387 Lafayette Road, Map 160, Lot 34. Mr. Viviano **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Stuart & Priscilla Fanning  
Use Change from Restaurant to Single Family Residence-grass over drive at  
965 Ocean Boulevard  
Map 152, Lot 18  
Owner of Record: N & L Realty Holding, LLC

Debora & Gary Boyle introduce themselves. Ms. Boyle is the Fanning's daughter and a letter was previously submitted giving her permission to represent the applicant. Ms. Boyle explained the pictures of the property included with the application as changing the restaurant into a single family home, the asphalt parking lot bordering Ocean Boulevard will be changed to grass, and there will be a garage added within the legal setback on the side. Mr. Boyle stated most of the changes will be done on the inside. Mr. Fougere stated this is pre-existing, non-conforming use making it a conforming use. Mr. Gillick stated this is a RB zone. Mrs. Kimball stated this request would relinquish the "grandfathered" non-conforming use. Mr. J. Lessard **MOTIONED** to grant the Use Change Application from Restaurant to Single Family Residence-grass over drive at 965 Ocean Boulevard, Map 152, Lot 18. Mr. Pratt **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

**IV. CONSIDERATION OF MINUTES – DECEMBER 17, 2003:**

Page 4 = Mr. Higgins asked to insert a discussion omitted: "*Mr. Higgins asked who would be collecting the rentals of the boat slip. Mr. Maynard stated he would, as this was a privately held section*". Mr. Higgins **MOTIONED** to approve the minutes as amended. Mr. Viviano **SECONDED**. **VOTE: 4 = YES / 3 = ABSTAIN** (Mr. Bilodeau, Mr. J. Lessard, Mr. Pratt). **MOTION PASSES IN THE AFFIRMATIVE.**

**V. CORRESPONDENCE:**

Mrs. Kimball read a letter from Attorney Craig Salomon dated January 5, 2004 regarding Boston Four Condominiums, Boston Avenue, Hampton, NH. Attorney Salomon is representing clients Katherine and Gary Keer, owners of unit #7 where a deck was constructed intruding on the reserved parking space and parking is now under their bathroom – of which, none of this was the approved site plan. Attorney Salomon is requesting Board assistance of having this violation investigate the situation. Board consensus was to have the Chairman write a letter to request Mr. Kevin Schultz, Building Inspector to investigate the possibility of a violation of the approved site plan.

**VI. OTHER BUSINESS:**

None.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Bilodeau **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 8:42 p.m.

Respectfully Submitted,  
Janine L. Fortini  
Planning Board Secretary

*Minutes as amended January 21, 2004*